

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte COLIN C. ISENMAN

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Appeal No. 1997-3409  
Application No. 08/386,033

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ON BRIEF

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Before HAIRSTON, LALL, and LEVY, Administrative Patent Judges.  
HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 8 and 17 through 38.

The disclosed invention relates to a method and apparatus for altering a graphical representation of a first object displayed on a monitor that is obscured by a second object displayed on the monitor to thereby create a vestigial representation of the obscured portion of the first object that can be displayed through the second object.

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Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method of displaying information in a computer having a monitor attached thereto, comprising the steps of:

- (a) displaying a graphical representation of a first object on the monitor of the computer;
- second (b) displaying a graphical representation of a object on the monitor of the computer overlaying and obscuring at least a portion of the first object;
- vestigial (c) altering the graphical representation of the obscured portion of the first object to create a representation thereof; and
- (d) displaying the vestigial representation of the obscured portion of the first object through the second object.

The references relied on by the examiner are:

Diefendorff	4,868,765	Sept. 19,
1989		

Anonymous, "Method to Allow Users to Select Transparent Color for Windows," Research Disclosure, 206 (March 1993) (hereinafter referred to as Gui).

Claims 1 through 8 and 17 through 38 stand rejected under 35 U.S.C. § 103 as being unpatentable over Diefendorff in view of Gui.

Reference is made to the briefs (paper nos. 10 and 12) and the answer (paper no. 11) for the respective positions of

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the appellant and the examiner.

OPINION

Appellant argues (brief, page 7) that "neither of the references teach nor suggest that, when a second object is displayed on the monitor overlaying and obscuring at least a portion of a first object, the obscured portion of the first object is altered to create a vestigial representation thereof and that it is this vestigial representation of the obscured portion of the first object that is displayed through the second object." Inasmuch as Diefendorff teaches that a porthole window 16 should be placed in the top window (or second object) 12 to observe the bottom window (or first object) 14 (Figure 1), and Gui teaches that the top window should be altered into a transparent window so that the window lying underneath can be viewed, we agree with appellant's argument. In short, the obviousness rejection is reversed because both references alter the obscuring window/object as opposed to the obscured window/object.

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DECISION

The decision of the examiner rejecting claims 1 through 8  
and 17 through 38 under 35 U.S.C. § 103 is reversed.

REVERSED

	)	
KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
PARSHOTAM S. LALL	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
STUART S. LEVY	)	
Administrative Patent Judge	)	

KWH:hh

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